

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

January 28, 2008

DIVISION ONE

B195551 Sherwood (Not for Publication)
v.
City of Los Angeles et al.

The judgment and writ of mandate are affirmed.

Jackson, J. (Assigned)

We concur: Mallano, Acting P.J.
 Rothschild, J.

B200466 The People (Not for Publication)
v.
Estrada

The judgment is affirmed.

Mallano, Acting P.J.

We concur: Vogel (Miriam A.), J.
Rothschild, J.

DIVISION ONE(continued)

B199997 Los Angeles County, D.C.S. (Not for Publication)

v.

Veronica V. et al.

The order of June 20, 2007 is affirmed.

Mallano, Acting P.J.

We concur: Vogel (Miriam A.), J.
 Jackson, J. (Assigned)

B193121 People (Not for Publication)

v.

Ruiz & Lindberg

The 10-year enhancement imposed on Lindberg's sentence on count 2 is vacated and the matter is remanded to the trial court with directions to sentence Lindberg to an appropriate concurrent sentence on the gang enhancement as to count 2. In all other respects, the judgments are affirmed.

Jackson, J. (Assigned)

We concur: Vogel (Miriam A.), Acting P.J.
 Rothschild, J.

B198501 People (Not for Publication)

v.

Keith Lowain Montgomery

The judgment is affirmed.

Jackson, J. (Assigned)

We concur: Mallano, Acting P.J.
 Vogel (Miriam A.), J.

DIVISION ONE (continued)

B196367 Robert Quihus (Certified for Publication)

v.

City of Los Angeles et al.

The judgment is reversed, and the superior court is directed to allow Quihuis to amend his pleadings to present both a section 3309.5 action and a Code of Civil Procedure section 1094.5 petition. Appellant shall recover his costs of appeal.

Jackson, J. (Assigned)

We concur: Vogel (Miriam A.), Acting P.J.
 Rothschild, J.

B198736 People (Not for Publication)

v.

Jesse Cornelius Whitley

The judgment is affirmed.

Mallano, Acting P.J.

We concur: Vogel (Miriam A.), J.
 Rothschild, J.

B195682 People (Not for Publication)

v.

Cruz Cedillo

The judgment is affirmed.

Jackson, J. (Assigned)

We concur: Mallano, Acting P.J.
 Vogel (Miriam A.), J.

January 28, 2008 (Continued)

DIVISION ONE (continued)

B196149 People (Not for Publication)

V.

Ramiro Ruvalcaba et al.

The judgments are affirmed.

Jackson, J. (Assigned)

We concur: Vogel (Miriam A.), Acting P.J.

Rothschild, J.

B197341 People (Not for Publication)

V.

Oscar Munoz Jr.

The judgment is affirmed.

Mallano, Acting P.J.

We concur: Vogel (Miriam A.), J.

Rothschild, J.

B195202 People (Not for Publication)

V.

Eric Lee Levi

The judgment is affirmed.

Jackson, J. (Assigned)

We concur: Vogel (Miriam A.), Acting P.J.

Rothschild, J.

DIVISION TWO

B188488 People (Not for Publication)

v.
Thomas

The Court:

The judgment is affirmed.

Boren, P.J., Doi Todd, J., Ashmann-Gerst, J.

B190476 NJD, Ltd. (Not for Publication)

v.
City of Glendora et al.

The judgment is affirmed.

Boren, P.J.

We concur: Doi Todd, J.
 Chavez, J.

B169857 People (Not for Publication)

v.
Smith

The judgment is affirmed.

Suzukawa, J. (Assigned)

We concur: Boren, P.J.
 Ashmann-Gerst, J.

DIVISION TWO (continued)

B194046 Panahpour (Not for Publication)

V.

Nansay USA, Inc., et al.

The postjudgment order denying attorney fees to defendants is reversed.

The case is remanded to the trial court to determine a reasonable amount of attorney fees for the trial, and to award those fees to defendants.

Defendants are awarded their attorney fees and costs for this appeal, in an amount to be determined by the trial court. (Milman v. Shukhat, supra, 22 Cal.App.4th 538, 546.)

Boren, P.J.

We concur: Ashmann-Gerst, J.

Chavez, J.

B199334 Los Angeles County, D.C.S. (Not for Publication)

V.

Alejandra L.

The order terminating appellant's parental rights is conditionally reversed.

On remand, the trial court is directed to require DCFS to give proper notice in accordance with the ICWA and its implementing regulations. The court must hold a hearing, at which appellant is represented by counsel, to determine whether the ICWA applies. If there is no timely response from the properly noticed tribes, or if the response raises no substantial question as to whether the children are Indian children, the trial court is directed to immediately reinstate its original order terminating parental rights. If, however, the tribal response raises a substantial question as to whether the children are Indian children, the trial court is directed to hold further proceedings applying the ICWA, the Welfare and Institutions Code, and the California Rules of Court.

Boren, P.J.

We concur: Doi Todd, J.

Chavez, J.

DIVISION THREE

B198740 People (Not for Publication)

V.
Christoher Craig

The appeal is dismissed.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

DIVISION FOUR

B194509 People (Not for Publication)

v.
Aguilar

The judgment is modified to impose the section 1465.8 court security fee as to all nine counts as discussed in the body of this opinion and to include the sentence imposed for count 8. A corrected abstract of judgment is to be forwarded to the Department of Corrections and Rehabilitation by the superior court clerk. As modified, the judgment is affirmed.

Suzukawa, J.

We concur: Epstein, P.J.
Willhite, J.

DIVISION SIX

B190918 People (Not for Publication)
v.
Clarke

The judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.
Coffee, J.

[illegible]

The judgment is affirmed. Costs to respondent.

Perren, J.

We concur: Gilbert, P.J.
Coffee, J.

B191692 Joseph N. (Not for Publication)
v.
Kendrick H.

The judgment (order terminating parent rights and permitting adoption to proceed) is affirmed. Costs on appeal are awarded to mother.

Coffee, J.

We concur: Gilbert, P.J.
Yegan, J.

DIVISION SIX (continued)

B197564 Stull (Not for Publication)

v.
Stull

The order is reversed insofar as it requires (1) the transfer of the sum of \$69,606.63 from the Exemption Trust to the Marital Residuary Trust, and (2) the reallocation from the Marital Residuary Trust to the Exemption Trust of any additional attorney fees and administrative costs charged to the Marital Residuary Trust by Wilmington for the period after June 30, 2006. The matter is remanded to the trial court for a new hearing on these issues consistent with the views expressed in this opinion. In all other respects, the order is affirmed. Appellants shall recover from respondent their costs on appeal.

Yegan, J.

We concur: Gilbert, P.J.
 Coffee, J.

B185391 Co. of San Bernardino et al., (Certified for Publication)

v.
Walsh et al.,

Filed order modifying the opinion. (No change in judgment)

DIVISION SEVEN

B191985 People (Not for Publication)

v.
Amaya

The judgment is affirmed.

Perluss, P.J.

We concur: Woods, J.
 Zelon, J.

DIVISION SEVEN (continued)

B198536 Marasco et al., (Not for Publication)

v.

Superior Court, Los Angeles County
(Ring et al., r.p.i.)

The petition is granted; the order to show cause is discharged. Let a peremptory writ of mandate issue directing the respondent superior court to vacate its judgment ordering dissolution of the Partnership and a sale of its assets, and to enter judgment in favor of petitioners. Petitioners are to recover their costs in this proceeding.

Zelon, J.

We concur: Perluss, P.J.
Wiley, J. (Assigned)

B195081 Minkoff (Not for Publication)

v.

Koppelman

The judgment is affirmed. Minkoff is to recover her costs on appeal.

Perluss, P.J.

We concur: Woods, J.
Zelon, J.

B197079 Geliebter (Not for Publication)

v.

Donenfeld et al.,

The judgment is affirmed. Roger Donenfeld, Jamie Donenfeld and Tracy Price are to recover their costs on appeal.

Perluss, P.J.

We concur: Woods, J.
Zelon, J.

DIVISION SEVEN (continued)

B198808 Bautista (Not for Publication)
v.
County of Los Angeles et al.,

The appeal is dismissed. The parties shall bear their own costs on appeal.

Perluss, P.J.

We concur: Zelon, J.
Wiley, J. (Assigned)

DIVISION EIGHT

B190193 SP22, Inc., et al., (Not for Publication)
v.
Yurdumyan et al.,

For the reasons set forth above, we modify the judgment to increase the compensatory damage award of \$200,358 by \$16,137 to \$216,495, and remand the matter to the clerk of the superior court to enter a new and different judgment that reflects this modification. The judgment as modified is affirmed. Respondents to recover their costs on appeal.

Rubin, J.

We concur: Cooper, P.J.
Flier, J.

B198361 Los Angeles County, D.C.S. (Certified for Publication)
v.
Monique B.,

For the reasons set forth above, the dependency court's jurisdictional and dispositional orders are affirmed.

Rubin, J.

We concur: Cooper, P.J.
Flier, J.

DIVISION EIGHT (continued)

B195511 People (Not for Publication)
v.
Sheard

The matter is remanded with directions to (1) impose and stay the section 12022.53, subdivisions (b) and (c) findings on count 1; (2) strike the section 12022.5 and section 12022.7, subdivision (a) findings on count 2; and (3) correct the minute order of the sentencing hearing and the abstract of judgment to show that count 2 was stayed pursuant to section 654, and a consecutive sentence of 25 years to life was imposed on count 1 pursuant to section 12022.53, subdivision (d). In all other respects, the judgment is affirmed.

Flier, J.

We concur: Rubin, Acting P.J.
Egerton, J. (Assigned)

B195699 People (Not for Publication)
v.
Brewer

The trial court is ordered to correct the abstract of judgment to reflect imposition of a total sentence of 31 years, based on the computation in the oral pronouncement of judgment. In all other respects, the judgment is affirmed.

Flier, J.

We concur: Cooper, P.J.
Rubin, J.

January 28, 2008 (Continued)

DIVISION EIGHT (continued)

B198734 People (Not for Publication)
v.
Campos

The judgment is affirmed.

Flier, J.

I concur: Cooper, P.J.

B184136 Luciano Fabbio
v.
Zareh Narghizan et al.,

Filed order denying petition for rehearing.